

NTSB Order No. EA-5243

Issued under delegated authority (49 C.F.R. 800.24)
on the 10th day of August, 2006

Respondent.

(a) Appeal brief....each appeal must be perfected, within 50 days after the date on which the oral initial decision was rendered, or 30 days after the date on which the written initial decision or appealable order was served, by the filing, and simultaneous service on the other parties, of a brief in support of the appeal. An appeal may be dismissed by the Board, either on its own initiative or on motion of another party, where a party who has filed a notice of appeal fails to perfect the appeal by filing a timely appeal brief.

motion, to which respondent filed no responsive pleading, is granted.

The record establishes that respondent filed a timely notice of appeal from the law judge's March 16, 2006 oral initial decision,² but he did not file an appeal brief within the time period prescribed by our rules, that is, by May 5.³

In the absence of good cause to excuse respondent's failure either to perfect his appeal by filing a timely appeal brief or to submit a timely extension request for filing the brief after the deadline, dismissal of an appeal is required by Board precedent and policy. See Administrator v. Hooper, 6 NTSB 559 (1988).

ACCORDINGLY, IT IS ORDERED THAT:

1. The Administrator's motion to dismiss is granted; and
2. Respondent's appeal is dismissed.

Gary L. Halbert
General Counsel

² The law judge affirmed an order of the Administrator suspending respondent's airline transport pilot certificate(s) for 180 days for violations of sections 91.7(a) and 91.13(a) of the Federal Aviation Regulations.

³ Respondent's appeal brief, which provides no information to support a finding of good cause for the late filing, was filed on May 30, some 25 days late.